

REMARKS

Upon entry of the present amendment, claims 1-2, 4-7 and 10-12 will remain pending in the above-identified application, with claim 1 being withdrawn from consideration based upon an earlier Restriction Requirement, and claims 2, 4-7 and 10-12 standing ready for further action on the merits.

The amendments made herein do not incorporate new matter into the application as originally filed. For example, the amendment to claim 2 finds support in original claim 3 (now canceled) as well as page 5, line 29 to page 6, line 23 of the original filed specification.

Similarly, the amendment to instant claim 7 finds support in original claim 9, as well as at pages 5-6 of the application, as noted above.

Regarding newly added claims 11-12, these are respectively based on presently amended claims 2 and 7, with the additional recitation that an etching step (see Fig. 3A) and a high-pressure rinsing step (see Fig. 3G) are repeated. It is noted that the amendments are also supported by disclosure in the original application at page 8, line 25 to page 9, line 2.

Election/Restriction

Applicants' acknowledge their prior election with traverse of the claims encompassed by Group II (claims 2-10). Based on Applicants' earlier traversal, the Examiner is again respectfully requested to withdraw the Restriction Requirement. In this regard, it is submitted that no undue burden would be placed upon the Examiner to consider each of the pending claims at present. Any contentions of the USPTO to the contrary, must be reconsidered.

Claim Rejections Under 35 USC § 102/103

Claims 1 and 5-7 have been rejected under 35 USC § 102(e) as being anticipated by Gorczyca et al. US '410 (US 6,368,410). Further, claims 3 and 9 have been rejected under 35 USC § 103(a) as being unpatentable over Gorczyca et al. (US '410) in view of Usui US '751 (US 3,808,751). Still further, claims 4 and 10 have been rejected under 35 USC § 103(a) as being unpatentable over Gorczyca et al. (US '410) in view of Macdonald et al. US '960 (US 6,494,960), and claim 8 has been rejected under 35 USC § 103(a) over Gorczyca et al. (US '410) in view of Oguchi et al. US '691 (US 4,648,691).

Reconsideration and withdrawal of each of the above rejections is respectfully requested based upon the following considerations.

Novelty of the Present Invention

Applicants have amended the instant claims, such that independent claims 2 and 7 now recite respectively, limitations previously found in claims 3 and 9. Because the Examiner never rejected claim 3 or 9 as anticipated by the cited Gorczyca et al. reference (US '410), it follows that the cited Gorczyca et al. reference cannot now serve as a proper basis for anticipating any of Applicants' currently pending claims.

Accordingly, withdrawal of all outstanding rejections under 35 USC § 102(e) is required.

Non-obviousness of the Instant Invention

As indicated above, claims 2 and 7 have been amended to recite limitations previously found in claims 3 and 9 respectively. However, they have also been amended to recite limitations found in the specification at pages 5-6 relating to:

...a stepped portion (3) provided on said susceptor main body (2) to support said substrate (4) from the bottom, having a size smaller than said substrate (4) said stepped portion (3) being masked in said masking step.

Accordingly, based upon the above noted recitations in each of claims 2 and 7, it is submitted that the cited Gorczyca et al. (US '410) is incapable of rendering obvious Applicants' claimed

invention, whether considered singularly or in combination with one of the secondary cited references being relied upon by the USPTO.

For example, while the USPTO may have rejected prior claims 3 and 9 over the asserted combination of Gorczyca et al. (US '410) and Usui et al. (US '751), the USPTO's consideration of the cited Usui et al. teaching was incorrect.

Particularly, a photosensitive resin layer 26 of Usui et al. is employed not for masking base 21 fastened to workpiece 20 but for forming a pattern on workpiece 20. Accordingly, Usui et al. does not disclose a step of masking a portion of a receptor forming contact with a substrate, prior to a step of blasting the same. Further, Usui applies a blasting process not to base 21 corresponding to susceptor 1 of the present application, but to workpiece 20 corresponding to substrate 4 of the same.

Still further, the Examiner's attention is also directed to the instant specification at page 8, line 32 to page 9, line 2, which clearly shows that the surface processing methods now recited in new claims 11-12 are extremely advantageous.

Accordingly, based upon the above considerations, and the fact that the cited primary reference of Gorczyca et al. (US '410) provides no motivation, incentive or teaching which would lead those of ordinary skill in the art to arrive at the present invention as claimed, and the fact that none of the Examiner's

secondary cited references of either Usui et al. (US '751), Macdonald et al. (US '960) or Oguchi et al. (US '691) cure the deficiencies of the cited primary reference, or otherwise motivate those of ordinary skill in the art to arrive at the present invention as instantly recited in pending claims 2, 4-7 and 10-12, it follows that the Examiner must withdraw the outstanding rejections under 35 USC § 103.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance, clearly indicating that the pending claims under consideration are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

Appl. No. 09/813,152

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of
time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

John W. Bailey, #32,881

JWB/enm
0033-0701P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000